



Attorney General Jon Bruning

# NEWS RELEASE

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## **Bruning Fights Federal Interference with State Gun Regulation**

LINCOLN - Attorney General Bruning today announced Nebraska has joined with 26 other states and territories in an amicus brief filed in the U.S. Supreme Court opposing an attempt by the federal government to prosecute legal gun owners who sell a weapon to another person who can legally own firearms.

“The federal government is overstepping its authority by prosecuting legal gun owners who follow state gun laws,” said Bruning. “We don’t need the federal government interfering with the states’ right to create and enforce laws surrounding sales between lawful gun owners.”

The states’ amicus brief is in support of a former Virginia police officer, Bruce Abramski, who purchased a gun in 2009 using a law enforcement discount and sold it to his elderly uncle who lived in Pennsylvania. Both Abramski and his uncle could legally own firearms and made the transaction in accordance with Pennsylvania gun laws. However, federal authorities prosecuted Abramski on the grounds that he made false statements on the gun purchase form.

The federal government argues the citizen who buys and then sells the gun is acting as a “straw purchaser”, which they claim is illegal under several federal statutes. The States, however, argue Congress has never passed a federal law that prohibits such purchases. At most, the laws relied on by the United States prohibit private citizens from selling guns to people who are prohibited from owning firearms, such as minors, convicted felons or people who have been diagnosed as having mental illnesses. It is up to the states and their citizens to decide whether to implement additional regulations on private gun sales.

In January 2013, the U.S. Court of Appeals for the Fourth Circuit upheld Abramski’s conviction, saying such “straw purchases” are illegal under federal law. In October, the Supreme Court agreed to review the conviction. Oral arguments are scheduled for Jan. 22, 2014, with a decision to come by the end of the court’s session in June.

The brief was authored by West Virginia and signed by Nebraska, Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Guam, Idaho, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Montana, New Mexico, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Texas, Utah, Virginia and Wyoming.

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